UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1493
12 November 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE 1493rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 August 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

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CLOSURE OF THE SESSION

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The meeting was called to order at 10.25 a.m.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FIFTY-SIXTH SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 11) (continued)

Adoption of the annual report of the Committee (CERD/C/59/CRP.1 and Add.1 to Add.17 and CRP.2 and Add.1 to Add.9, Future A/56/18)

1. The CHAIRMAN invited Mr. Bossuyt (Rapporteur of the Committee) to introduce the remaining sections of the Committee's annual report.

Documents CERD/C/59/CRP.2 and CERD/C/59/CRP.2/Add.1 - Annex I: Status of the Convention

2. Documents CERD/C/59/CRP.2 and CERD/C/59/CRP.2/Add.1 were adopted.

Document CERD/C/59/CRP.2/Add.2 - Annex II: Agendas of the fifty-eighth and fifty-ninth sessions

3. Mr. BOSSUYT (Rapporteur) said the dates of the fifty-eighth and fifty-ninth sessions should be added following A and B of the table of contents as well as on page 2 and page 3.

4. Document CERD/C.59/CRP.2/Add.2, as orally amended, was adopted.

Document CERD/C/59/CRP.2/Add.3 - Annex III: Decisions of the Committee under article 14 of the Convention: 1. Fifty-eighth session

5. Document CERD/C/59/CRP.2/Add.3 was adopted.

6. Mr. DIACONU pointed out that the main task of the Committee was the consideration of the reports of States parties and wondered why the decisions of the Committee under article 14 were being adopted before the concluding observations.

7. Mr. BOSSUYT (Rapporteur) recalled that the concluding observations of the Committee had been adopted at the previous meeting as part of the main body of the report, whereas the current documents contained the annexes to the report of the Committee.

Document CERD/C/59/CRP.2/Add.4 - Annex III: Decisions of the Committee under article 14 of the Convention: 2. Fifty-ninth session

8. Document CERD/C/59/CRP.2/Add.4 was adopted.

CERD/C/59/CRP.2/Add.5 - Annex IV: Documents received by the Committee at its fifty-eighth and fifth-ninth sessions in conformity with article 15 of the Convention

9. Document CERD/C/59/CRP.2/Add.5 was adopted.

Document CERD/C/59/CRP.2/Add.6 - Annex V: Country Rapporteurs for reports considered by the Committee at its fifty-eighth and fifty-ninth sessions

10. Document CERD/C/59/CRP.2/Add.6 was adopted.

CERD/C/59/CRP.2/Add.7 - Annex VI: Comments of the Committee on the report of a Canadian professor on the United Nations human rights treaty system (2001)

11. Mr. BOSSUYT (Rapporteur), with regard to the title, suggested that the words "the report" be replaced by "a report" and also that the words "of a Canadian professor" be deleted.

12. Document CERD/C/59/CRP.2/Add.7, as orally amended, was adopted.

CERD/C/59/CRP.2/Add.8 - Annex VII: Comments (summary) of the Japanese Government on the concluding observations adopted by the Committee on 20 March 2001, regarding the initial and second periodic reports of the Japanese Government

13. Mr. BOSSUYT (Rapporteur) suggested that, in the title, both in the table of contents and on page 2, the word "(summary)" be deleted, that the first reference to "Japanese Government" be replaced by "Government of Japan" and that the second reference to "the Japanese Government" be replaced by "Japan".

14. The CHAIRMAN informed the Committee that in a discussion between himself, the Country Rapporteur for Viet Nam, Ms. January-Bardill, and the Rapporteur, Mr. Bossuyt, the Ambassador of Viet Nam had requested permission to submit a brief response to the Committee's concluding observations on the sixth to ninth periodic reports of Viet Nam. That response had been received and would be included in annex VII.

15. Mr. BOSSUYT (Rapporteur) said that the table of contents for annex VII should be amended to read: "Comments of States parties on the concluding observations of the Committee: No. 1, Japan, No. 2, Viet Nam.

16. Document CERD/C/59/CRP.2/Add.8, as orally amended, was adopted.

CERD/C/59/CRP.2/Add.9 - Annex VIII: List of documents issued for the fifty-eighth and fifty-ninth sessions of the Committee

17. Document CERD/C/59/CRP.2/Add.9 was adopted.

18. The draft annual report of the Committee to the General Assembly on its fifty-eighth and fifty-ninth sessions as a whole, as amended and subject to agreed drafting changes, was adopted.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (continued) (A/CONF.189/PC.3/L.1, A/CONF.189/PC.3/L.1/Add.2, and A/CONF.189/PC.3/8)

19. Mr. ABOUL-NASR pointed out that Committee members, including those who would represent the Committee at the World Conference, did not serve as representatives of regional groups.

20. Mr. BOSSUYT (Rapporteur), supported by the CHAIRMAN, agreed that strictly speaking that was correct, although every effort was made to ensure fair and equitable geographic distribution.

21. Ms. JANUARY-BARDILL, reporting in her capacity as Convenor of the Contact Group, said the Preparatory Conference had made good progress towards ensuring a successful World Conference. Just over half of both the draft programme of action and the draft declaration had been adopted; issues remaining to be resolved at the World Conference itself included discussion of the situation in the Middle East and Palestine, language with reference to the Holocaust and zionism and the matter of reparations for colonialism. With regard to the latter, she said the African Group had suggested a development approach for compensating contemporary incidents of racial discrimination but the issue of an apology and that of a list of victims was still unresolved. The Committee's contributions were fairly well reflected in the documents and would be further strengthened at the Conference.

22. The CHAIRMAN thanked the Convenor and the other members of the contact group for their excellent work.

23. Mr. RESHETOV said that all the members of the Committee should be kept well informed about developments at the World Conference itself once they returned to their home countries, since the Conference would be arousing much public interest and they would undoubtedly be called upon to comment. The members from countries with large Jewish populations, for instance, would surely be questioned about the Middle East issues. In that connection, he asked whether the issue of equating zionism and racism had actually been resolved in the Preparatory Committee.

24. Ms. JANUARY-BARDILL said that the issue had been assigned specifically to a smaller working group within the Group of 21, chaired by the South African Ambassador, which had decided that the 1991 General Assembly resolution repealing an earlier resolution equating the two should not be challenged. What remained to be settled from the point of view of language at the World Conference were the questions that concerned current developments in Palestine.

25. Mr. ABOUL-NASR said that in his view the members of the Committee who would be attending the World Conference should at all times reflect the Committee's positions, decisions and recommendations rather than their own personal views, since they were not going as

independent experts. Any personal views expressed should be identified as such. It would be useful for members to have with them in Durban copies of all Committee decisions regarding clear instances of racial discrimination. When the Conference dealt with the Middle East issues, it should set them in a broader context and refer to other similar past or present situations elsewhere.

26. The CHAIRMAN said that the delegation would of course be guided by Committee positions and, while promoting first and foremost the goals of the World Conference, it would seek to enhance the Committee's image and its positions. It had ample material to take with it: the series of amendments it had proposed to the language of the draft Declaration and draft Programme of Action, which it would continue to put forward; and also its own past decisions on various issues over the years. The Committee would subsequently have a major role to play in the follow-up to the Conference.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

27. Mr. ABOUL-NASR, referring to the Committee's procedures for dealing with individual communications received under article 14, pointed out that since not only the Committee's decision on each complaint but a full outline of the complaint itself was published in the Committee's annual report, he saw no reason why communications had to be dealt with in closed meeting. The Committee should review its methods of work in that regard. Open meetings, attended by the press and other organizations, could allow useful pressure to be brought upon the States parties concerned.

28. Mr. BOSSUYT said that the confidential nature of the procedure was normal, given the difference between deliberations and their end result. Jurisdictional procedures, in which deliberations were held in private until a conclusion was reached and only then made public, offered an apposite model for the Committee's adoption of its opinions and publication in the annual report. All the treaty bodies that considered communications followed the same method of work, and it had always been the Committee's own practice.

29. Mr. SHAHI said that Mr. Aboul-Nasr's argument had weight. But as a counter argument, one had to consider the effect that public discussion of individual complaints against Governments might produce in the context of the internal politics of the States concerned, and especially of newly-independent States and new democracies, where disgruntled political opponents would seize on any argument to discredit the governments in office. The confidential nature of deliberations was a reassurance to the States parties recognizing the Committee's competence under article 14, and that important point should be borne in mind in the Committee's debate on procedures at its next session.

30. Mr. de GOUTTES, speaking as convenor of the working group on communications, and supported by the CHAIRMAN and Mr. SHAHI, observed that the Committee, under article 14, paragraph 8, was mandated to include in its annual report a summary of the communications considered together with a summary of the State party's arguments and its own

recommendations. In view of the fact that the number of communications was constantly growing, a conscious effort should be made in the future to summarize communications much more concisely, otherwise that particular addendum to the report would become disproportionately long.

31. Mr. YUTZIS, referring to the list of country rapporteurs just circulated, noted that some of the countries scheduled for consideration or review at the next session had not yet been assigned a specific rapporteur.

32. Mr. BOSSUYT replied that it would not be convenient to fill those assignments straight away because most Committee members were coming up for re-election.

33. The CHAIRMAN gave his assurance that all countries listed would be considered in March, whether or not they had an assigned rapporteur to do the preliminary work. The initial report of Moldova would certainly have priority. In late January, in any case, the Committee Rapporteur would have an opportunity to try to fill in the blanks before the March session.

34. Mr. ABOUL-NASR, noting that the Committee had not received a single summary record of the meetings at the current session, appealed for better service in that regard at the next session.

35. Mr. BRUNI (Office of the United Nations High Commissioner for Human Rights) said that summary records were the responsibility of the Conference Services Division, and that there had probably been some technical problems.

36. Mr. de ZAYAS (Office of the United Nations High Commissioner for Human Rights) said that the standard delay in Geneva was four to eight weeks between the time the summary records were written and the time the Committee received them. All the human rights bodies were experiencing similar delays. Indeed, in New York, it could take from one to one and a half years for summary records to be issued.

37. The CHAIRMAN asked the secretariat, nonetheless, to do what it could to have them issued more expeditiously.

38. Mr. YUTZIS proposed that a thematic debate on descent should be held during the March session. Although the notion appeared in article 1 of the Convention, the Committee had never studied it in any depth, until it had considered the Japanese report at the current session. As the Sub-Commission on human rights had recently drawn up a draft resolution on the subject, it would be advisable for the Committee to collaborate with the members of the Sub-Commission who were working on the topic.

39. The CHAIRMAN said that, during the meeting of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, civil-society non-governmental organizations had strongly lobbied for the adoption of a position

on racial discrimination based on descent. While it was indeed a very interesting question, the Chairpersons of treaty bodies had agreed to hold a debate in June 2002 on the role of human rights mechanisms in the follow-up to the World Conference and the latter could well bring to light vital issues to which the Committee would have to devote its attention in March.

40. Mr. PILLAI pointed out that descent was a highly complex concept, whose very content had been questioned by States parties like Japan and India. Personally he believed that the Indian caste system came within the Committee's remit. Allegations of racial discrimination on the grounds of descent had come from all four corners of the world, but were they all justified? He therefore submitted that the Committee should first define the term "descent", possibly at the March session, and then hold a thematic debate one or two sessions later.

41. Mr. de GOUTTES said that Mr. Yutzis was right to propose the holding of a thematic debate on descent, because it was an important subject which had received little attention to date, but, like Mr. Pillai, he believed that the Committee should first carefully study the content of the notion at its next session.

42. Mr. THORNBERRY endorsed Mr Yutzis' proposal because discrimination due to descent was possibly a global phenomenon affecting some 250 million people. He therefore strongly supported the holding of an initial discussion in March to clarify the basic notion, followed by a broader thematic discussion at a later date.

43. Mr. RESHETOV said that the question of descent was very important and should be considered in depth at some point within a precise framework.

44. The CHAIRMAN noted that the Committee wished to hold a preliminary exchange of views on descent, as a cross-border item, in March in order to decide if and when a thematic debate should take place.

45. Ms. McDOUGALL invited her colleagues to attend an event called "Voices, personal stories of racial discrimination", which she and Ms. January-Bardill would be organizing during the World Conference in Durban. The event would bring together 25 people from all over the world and was designed to give a human face to the deliberations of the Conference. The Chairman of the Committee would be on the panel of experts receiving the testimonies.

46. She requested the Secretary of the Committee to announce the follow-up to the Committee's concluding observations on Liberia.

47. Mr. DARROW (Secretary of the Committee) informed the Committee that its concluding observations on Liberia had been submitted to the Security Council in the course of the previous day's debate on Liberia.

48. Ms. JANUARY-BARDILL said that the United Nations Population Fund expected the Committee to discuss reproductive rights at its March session.

CLOSURE OF THE SESSION

49. The CHAIRMAN said that the proposed dates of the sixtieth session of the Committee were Monday, 4 March to Friday, 22 March 2002. The proposed starting date for the sixty-first session would be either Monday, 29 July 2002 or Monday, 5 August 2002. Those dates were subject to confirmation.

50. After the customary exchange of courtesies, the CHAIRMAN declared the fifty-ninth session of the Committee on the Elimination of Racial Discrimination closed.

The meeting rose at 1 p.m.